



Entered on Docket
September 20, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Sixth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Palm Harbor One Loan; Except for
Proof of Claim of Morris Massry, and
Notice of Scheduling Conference re Morris
Massry**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Sixth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Palm Harbor One Loan," ("Palm Harbor Loan") [DE 8598] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; a response to the objection having been filed by Morris Massry [DE 8950], no other

1 responses to the Objection having been filed; the Court noting on the record that the
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to
3 repayment by the borrower or from the collateral securing the Palm Harbor Loan; and
4 good cause appearing:

5 **IT IS ORDERED** that:


6 1. The Objection [DE 8598] is sustained, except for proof of claim filed by
7 Morris Massry (No. 10725-01898);

8 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
9 claims are based upon an investment in the Palm Harbor Loan; and

10 3. A scheduling conference on the Morris Massry Proof of Claim (No. 10725-
11 01898) is set for **October 18, 2011 at 1:30 p.m.**, and notice is hereby given.

12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 APPROVED AS TO FORM AND CONTENT

14 By 
15 Erika C. Browne
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19 **LEWIS AND ROCA LLP**

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25 *Attorneys for USACM Liquidating Trust*
26

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: Erika C. Browne Counsel For Morris Massry

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Erika C. Browne</u>	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

Palm Harbor One, LLC

Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Palm Harbor One Loan
10725-02401	1/16/2007	Jean G Richards Trust Dtd 9/30/99	Jean G Richards TTEE 1160 Magnolia LN Lincoln, CA 95648	313,192.06	60,000.00
10725-01477	11/15/2006	Karen L Pidgeon 2006 Living Trust Dated 2/27/06	C/O Karen L Pidgeon TTEE Po Box 41619 Sacramento, CA 95841-1619	538,643.00	100,000.00
10725-01661	12/9/2006	Kehl, Christina M	Janet L Chub, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	1,023,023.12	50,000.00
10725-01660	12/9/2006	Kehl, Robert J & Ruth Ann	Janet L Chub, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	12,841,680.13	500,000.00
10725-01297	11/10/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Fel. LLP 30 N Lasalle St Ste 3000 Chicago, IL 60602	1,040,000.00	Unknown
10725-01478	11/15/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Felsenthal LLP 30 N Lasalle St. Suite 3000 Chicago, IL 60602	96,496.00	Unknown
10725-02177	1/12/2007	Klay Living Trust Dtd 7/11/90	Othmar & Christine Klay TTEES 5530 Lausanne Dr Reno, NV 89511	708,473.90	100,000.00
10725-02202	1/10/2007	Marguerite Falkenborg 2000 Trust Dtd 6/20/00	C/O Marguerite Falkenborg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	794,366.81	101,915.37
10725-01898	1/9/2007	Massry, Morris	C/O Segel-Goldman Mazzetta & Siegel PC 9 Washington Sq Albany, NY 12205	1,802,040.00	101,466.67
10725-02383	1/16/2007	Minter Family 1994 Trust	Douglas & Elizabeth F Minter TTEES 5389 Conte Dr Carson City, NV 89701	1,244,089.74	50,000.00

EXHIBIT A

2452089.1